

Under the Paperwork Reduction Act of 1994, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.: 2003\_1386

First Named Inventor : Kikukatsu ITO

Title: PLANT THERMOGENIC GENES AND PROTEINS

Express Mail Label No.:

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

 ADDRESS TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450
1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)2. ☐ Small Entity Status is hereby asserted.3. ☒ Specification [Total Pages: 17]

(preferred arrangement set forth below)

- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to Sequence Listing, a table, or a computer program listing appendix.
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. ☒ Drawing(s) (35 USC 113) [Total Sheets: 10]5. ☒ Oath or Declaration [Total Pages : 3]a.1. ☐ Newly executed (original or copy)a.2. ☐ Unexecutedb. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)i. ☐ DELETION OF INVENTOR(S)Signed statement attached deleting inventor(s) named  
in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).6. ☐ Application Data Sheet (see 37 CFR 1.76)7. ☐ CD-ROM or CD-R in duplicate, large table or computer  
program (Appendix)8. ☒ Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)a. ☒ Computer Readable Form

b. Specification Sequence Listing on:

i. ☐ CD-ROM or CD-R (2 copies); orii. ☒ Paper [11 pages]c. ☒ The paper and computer readable copies are identical

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)☐ Power of Attorney11. ☐ English Translation Document (if applicable)12. ☒ Information Disclosure Statement (IDS)/PTO-1449☐ Copies of IDS Citations13. ☒ Preliminary Amendment14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically  
itemized)15. ☐ Certified Copy of Priority Document(s)

(if foreign priority is claimed)

16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i).  
Applicant must attach form PTO/SB/35 or its equivalent.17. ☒ Other Claim of Priority18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below, and in a preliminary amendment, or  
in an Application Data Sheet :☐ Continuation☒ Divisional☐ Continuation-in-part (CIP)

of prior application No. 10/009,962

Prior Application Information: Examiner Laurie A. Mayes

Group Art Unit 1653

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box  
5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference therein. The  
incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

CUSTOMER NO.

000513

By: Warren M. CheekWarren M. Cheek, Jr.  
Registration No. 33,367

WENDEROTH, LIND &amp; PONACK, L.L.P.

2033 "K" Street, N.W., Suite 800

Washington, D.C. 20006-1021

Phone:(202) 721-8200

Fax:(202) 721-8250

September 29, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Kikukatsu ITO

Serial No. NEW

Filed September 29, 2003

PLANT THERMOGENIC GENES AND PROTEINS  
(Rule 1.53(b) Divisional of Serial No. 10/009,962,  
Filed January 23, 2002)

Attn: APPLICATION BRANCH

Attorney Docket No. 2003\_1386

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEE FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975.

**PATENT OFFICE FEE TRANSMITTAL FORM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached hereto is a check in the amount of \$834.00 to cover Patent Office fees relating to filing the following attached papers:

Rule 53(b) application ..... \$750.00  
  
Additional Claims Fee:  
Excess of Twenty ..... \$  
Independent ..... \$84.00  
Multiple Dependent Fee ..... \$

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

*The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.*

Respectfully submitted,

Kikukatsu ITO

By Warren M. Cheek, Jr.  
Warren M. Cheek, Jr.  
Registration No. 33,367  
Attorney for Applicant

WMC/dlk  
WENDEROTH, LIND & PONACK, L.L.P.  
2033 K St., N.W., Suite 800  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
September 29, 2003

[Check No. 57937]  
2003\_1386